

MINUTEMAN AVIATION INC.,)	AGBCA No. 2005-119-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Richard J. Berry, Comptroller)	
Minuteman Aviation Inc.)	
5225 Hwy. 10 West, Box 16)	
Missoula, Montana 59808)	
)	
Representing the Government:)	
)	
Mark D. Lodine, Esquire)	
Jennifer Newbold, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
P.O. Box 7669)	
Missoula, Montana 59807)	

DECISION OF THE BOARD OF CONTRACT APPEALS

April 13, 2005

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On December 10, 2004, Minuteman Aviation Inc., of Missoula, Montana (contractor), filed this appeal with the Board. It seeks to recover \$13,142, plus interest, from the U. S. Department of Agriculture, Forest Service (Government). The contractor had sought that amount under its contract, No. 55-0343-2-0015, with Region 1 of the Forest Service; the contractor provided a helicopter under the type III exclusive use helicopter services contract. The contractor maintained that it is entitled to the relief because the Government ordered priority maintenance which is beyond contract specifications. The contracting officer characterized the claim as an attempt to recover transportation costs for a mechanic to be sent to the designated base to perform maintenance work required for the helicopter to comply with commercial engine bulletins, and for claim preparation costs. The contracting officer concluded that the contract obligated the contractor to provide the underlying maintenance at no additional cost to the Government and that claim preparation costs may not be recovered.

The Board has jurisdiction over this timely-filed matter pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA). Following the submission of the appeal file, the parties engaged in discussions without the formality of a complaint or answer. By letter dated April 12, 2005, the contractor informs the Board that it is withdrawing its appeal. The contractor states that it has concluded that it would not be cost effective to pursue the claim. The contractor notes that it remains committed to providing its services to meet Government demands.

DECISION

Given that the contractor withdraws its appeal, this matter is dismissed with prejudice.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

April 13, 2005